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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 CHARLES L. ABRAHAMS,
12 Debtor/Appellant

13 vs.

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15 MATHIAS HENTZ,
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17 Creditor/Appellee.

Case No. 12cv1560-GPC-BGS
BAP No. SC-12-1319
Bankruptcy No. 10-00968

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20 **ORDER DENYING**
21 **APPELLANT'S MOTION TO**
22 **AMEND THE JUDGMENT**
23 **AND VACATE DISMISSAL**

[ECF No. 62]

18 Before the Court is Appellant Charles L. Abrahams' ("Appellant" or
19 "Abrahams") motion to amend the judgment. (Dkt. No. 62.) Pursuant to L.Civ.R.
20 7.1.d.1, the Court finds the matter suitable for adjudication without oral argument. For
21 the reasons set forth below, the Court hereby **DENIES** Appellant's motion as moot.

22 **DISCUSSION**

23 On June 18, 2013, this Court issued an Order granting Trustee Leslie
24 Gladstone's motion to dismiss Abraham's bankruptcy appeal. (Dkt. No. 54,
25 "Judicial Order.") On July 19, 2013, Abrahams appealed the Judicial Order and
26 filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit.
27 (Dkt. No. 56.) Thereafter, the Ninth Circuit issued a case number and schedule
28 order as to Abraham's appeal. (Dkt. Nos. 59, 60.)

1 In opposition to Appellant's motion, Trustee Gladstone argues this Court
2 lacks jurisdiction to grant Appellant's motion as the notice of appeal has been filed
3 and any relief would change the nature of the issue on appeal. (Dkt. No. 63 at 4-5.)

4 The Court concurs with Trustee. See Griggs v. Provident Consumer Discount
5 Co., 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal ... confers jurisdiction
6 on the court of appeals and divests the district court of its control over those aspects
7 of the case involved in the appeal"). As the Court has been divested of its'
8 jurisdiction pending Abraham's appeal to the Ninth Circuit, the Court hereby
9 **DENIES AS MOOT** Appellant's motion to amend the judgement and vacate the
10 dismissal. (Dkt. No. 62.)

11 **IT IS SO ORDERED.**

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13 DATED: October 31, 2013

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15 HON. GONZALO P. CURIEL
16 United States District Judge
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